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8 IN THE UNITED STATES DISTRICT COURT FOR THE
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,) No. 2:97-cr-0381 FCD
12 Plaintiff,) STIPULATION AND ORDER RE:
13 v.) DEFENDANT' MOTION FOR BAIL
14 BRYAN JAMES EPIS,) PENDING APPEAL
15 Defendant.) AND VACATING BAIL MOTION
16) HEARING DATE
17) Court: Hon. Frank C. Damrell

17 Whereas, the Ninth Circuit's August 10, 2004, order of
18 remand explained that it granted defendant Bryan James Epis'
19 motion for bail pending appeal and directed that bail shall
20 remain in effect pending the final resolution of the issues
21 covered in the its amended order of remand,

22 It is hereby stipulated by and between plaintiff United
23 States of America and Epis, through their respective counsel,
24 that:

25 1. This Court defer to the Ninth Circuit's
26 August 10, 2004, order granting bail pending appeal and decline
27 to rule on Epis' instant motion for bail pending appeal as this
28 Court does not have authority to override the Ninth Circuit's

August 10, 2004, order.

2. The Court vacate the presently set October 22, 2007, at 10:00 a.m., hearing date on Epis' motion for bail pending appeal since that motion is moot.

DATED: October 19, 2007

McGREGOR W. SCOTT
United States Attorney

/s/ Samuel Wong

By:

SAMUEL WONG
Assistant U.S. Attorney

DATED: October 19, 2007

/s/ Brenda Grantland

BRENDA GRANTLAND
Attorney for defendant
Bryan James Epis


ORDER

The Court having received, read, and considered the parties' stipulation, and good cause appearing therefrom,

It is hereby ordered that this Court defers to the Ninth Circuit's August 10, 2004, order granting defendant Bryan James Epis' motion for bail pending appeal and directing that bail shall remain in effect pending the final resolution of the issues covered in the its amended order of remand. Accordingly, this Court declines to rule on Epis' instant motion for bail pending appeal and vacates the presently set October 22, 2007, hearing date on the motion.

IT IS SO ORDERED.

Dated: October 19, 2007


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE